

Declaration, Power of Attorney and Petition

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0000053864

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| Customer No. | 23,416 |
|--------------|--------|

OFFICE
MAR 28 2005
PATENT & TRADEMARK OFFICE

We (I), the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A process for preparing zeaxanthin and/or biosynthetic intermediates
and/or secondary products thereof

the specification of which

☐ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____

and amended on _____

☒ was filed as PCT international application

Number PCT/EP/03/09105

on 18 August 2003,

and was amended under PCT Article 19

on _____ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

| Application No. | Country | Day/Month/Year | Priority Claimed |
|-----------------|---------|------------------|---|
| 10238980.2 | Germany | 20 August 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10238978.0 | Germany | 20 August 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10238979.9 | Germany | 20 August 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10253112.9 | Germany | 13 November 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10258971.2 | Germany | 16 December 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

We (I) hereby claim the benefit under Title 35, United States Codes, § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status (pending, patented,
abandoned)

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

And we (I) hereby appoint **CONNOLLY BOVE LODGE & HUTZ LLP**, The Nemours Building, 1007 North Orange Street, Wilmington, DE 19899, (telephone 302 658 9141; FAX 302 658 5614), our attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Christel Renate Schopfer
NAME OF SOLE OR FIRST INVENTOR



Signature of Inventor

Date 01. Sep. 2003

Residence:
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Ralf Flachmann
NAME OF SECOND JOINT INVENTOR




Signature of Inventor

Date 01. Sep. 2003

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Karin Herbers
NAME OF THIRD JOINT INVENTOR




Signature of Inventor

Date 01. Sep. 2003

Residence:
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Germany
Citizen of Germany
Post Office Address: same as residence

Irene Kunze
NAME OF FOURTH JOINT INVENTOR

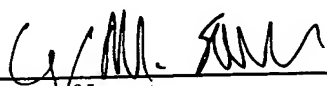


Signature of Inventor

Date 01. Sep. 2003

Residence:
Mühlenweg 11
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Matt Sauer
NAME OF FIFTH JOINT INVENTOR




Signature of Inventor

Date 01. Sep. 2003

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Martin Klebsattel
NAME OF SIXTH JOINT INVENTOR


Signature of Inventor

Date 01 Sep. 2003

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Post Office Address: same as residence

03-29-05

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PTO/SB/17 (12-04-v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

| | |
|----------------------|----------------------|
| Application Number | 10/524652 |
| Filing Date | February 17, 2005 |
| First Named Inventor | Christel R. Schopfer |
| Examiner Name | Not Yet Assigned |
| Art Unit | N/A |
| Attorney Docket No. | 13173-00001-US |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-2775 Deposit Account Name: Connolly Bove Lodge & Hutz LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims 27 - 27 = **Extra Claims** x **Fee (\$)** = **Fee Paid (\$)**

Indep. Claims 5 - 5 = **Extra Claims** x **Fee (\$)** = **Fee Paid (\$)**

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| 27 | 27 - 100 = | /50 (round up to a whole number) x | | |

4. OTHER FEE(S)

| | Fees Paid (\$) |
|--|----------------|
| Non-English Specification, \$130 fee (no small entity discount) | |
| Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration | 130.00 |

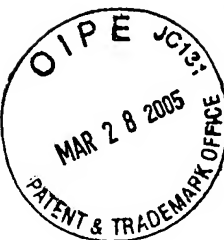
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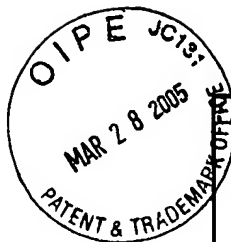
| | | | | | |
|-------------------|-------------------|-----------------------------------|----------------|-----------|----------------|
| Signature | Ashley I. Pezzner | Registration No. (Attorney/Agent) | 35,646 | Telephone | (302) 658-9141 |
| Name (Print/Type) | Ashley I. Pezzner | Date | March 28, 2005 | | |

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01 FC:1051 130.00 DA





Application No. (if known): 10/524652

Attorney Docket No.: 13173-00001-US

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV622757368US in an envelope addressed to:

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on March 28, 2005
Date

Signature

Tina R. Hall

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)
Declaration, Power of Attorney and Petition (4 pages)
Charge \$130.00 to deposit account 03-2775